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Linda McCulloch
Superintendent

DATE: December 9, 2005

SUBJECT: Verification Confirmation Reviews - Reauthorization 2004

TO: Local Education Agency (LEA) Administrators

FROM: Christine Emerson, Director
School Nutrition Programs

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(b)(3) of the Richard B. Russell National School Lunch Act (NSLA) by adding subparagraph (E), which addresses confirmation activities. The NSLA now requires that LEAs review all applications selected for verification prior to conducting any other verification activity. This provision became effective July 1, 2005.

This "confirmation review" must be conducted by someone other than the person who made the initial determination. The confirmation review can occur one of two ways. It can occur immediately after the initial review and consequently be part of the certification process. This would be the practice of schools that routinely double check the determination of all applications before implementing the eligibility determination. The other approach would be to do the confirmation review as part of the verification process and only do a double check on those applications selected for verification. In this situation, the household has already been notified of the eligibility determination. When a confirmation review is part of the verification process, the following requirements apply:

- If the confirmation review indicates that the new eligibility status is to the household's benefit, the LEA should make the changes as soon as possible and proceed with verification.
- If the confirmation review shows that there should be a decrease in benefits, the LEA proceeds with and completes verification prior to notifying the household of a new eligibility status. This procedure is designed to avoid a possible unnecessary reduction in benefits.

The verification notice requirements are not changed by the adoption of the confirmation review; that is, the verification notice continues to explain that the application was selected, to detail the process and required documentation, to assign a deadline for receipt of documentation, and to provide a no-charge telephone number to call for assistance.

Schools must continue to follow adverse action requirements as appropriate when verification activities result in a reduction of benefits or should the household fail to cooperate with verification efforts, as described in 7 CFR 245.6a(e).

If you have questions, please contact School Nutrition Programs, (406) 444-2501.